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ABSTRACT

Outlined here is the organizational structure of the Louisiana public school system, including the relationship between the governor and the legislature and between boards of education and the State superintendent of education. Various sources of funding and other financial assistance are noted. The qualifications, duties, and rewards of members of the State board of education, the State superintendent of public education, and the State department of education are detailed. The guiding principles for determining the functions and services of the State department of education are presented, along with some of the responsibilities, powers, and duties of parish school boards. (WM)

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STATE DEPARTMENT OF EDUCATION

OF LOUISIANA

1973

THE ADMINISTRATIVE STRUCTURE OF LOUISIANA'S PUBLIC EDUCATIONAL SYSTEM

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PUBLIC SCHOOL EDUCATIONAL SYSTEM

The people of the State of Louisiana, exercising the civil, political and religious liberties of a free, democratic peoples, established the Constitution of 1921* for the good of the whole. This document, as an expression of the sovereign power to preserve peace and promote the interest and happiness of the people, provides in Section 1 of Article XII that the legislature in exercise of the legislative powers shall provide for the education of all school children of the state. The public school system shall include all public schools and all institutions of learning operated by state agencies.

THE GOVERNOR AND THE LEGISLATURE

The governor, as head of the executive department of the state government, must submit his executive budget to the legislature which appropriates funds for the operation of public schools, colleges and universities, trade and vocational-technical schools and special schools. His power to appoint members on boards of higher education and on parish and city school boards also exerts a great deal of influence on public education. The action of the governor in entering into a compact with other states on behalf of the State of Louisiana for cooperative efforts toward improving and expanding education was authorized and ratified by the legislature subject to approval of said compact by the Congress of the United States.

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*Act number 2 of 1972 provided for holding a convention for the purpose of framing a new constitution to be submitted to the governor on completion of their work and finally to qualified voters for adoption. The act provides that the final draft be completed no later than January 4, 1974. (NOTE: By declaration of the Governor, the new constitution will be submitted to a vote of the Louisiana citizenry on April 20, 1974)

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BOARDS OF EDUCATION

The LOUISIANA STATE BOARD OF EDUCATION is a body politic and corporate by the name and style of Louisiana State Board of Education and shall be domiciled in the City of Baton Rouge, Parish of East Baton Rouge. The board may sue and defend suits in all matters relating to the public schools except cases within the jurisdiction of the parish school boards. (LRS 17:2) The board shall coordinate the educational program in the elementary and secondary schools and the higher educational institutions to lead to the standard of higher education established by the Louisiana State University. (C XII:2)* The board has supervision and control of all free public schools, trade and vocational-technical schools; special schools for the blind, deaf, cerebral-palsied and spastic; and state colleges and universities other than Louisiana State University and its branches. (C XII:6 and 7) It does not control the business affairs of local school boards or the selection or removal of their officers and directors. (C XII:4) The board shall not create any administrative department in which salaries or expenses are payable from state funds, unless authorized by the legislature. The legislature shall prescribe the terms under which funds offered for educational purposes shall be received and disbursed. (C XII:8) (See other constitutional and statutory provisions relevant to State Board of Education in text, pages 9-30)

The BOARD OF SUPERVISORS OF THE LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE consists of the governor, as ex officio member, and

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*Abbreviation represents Constitution of Louisiana of 1921, Article number and Section number.

fourteen members appointed by the governor by and with the consent of the senate for overlapping terms of fourteen years with two members' terms expiring on June first in the even-numbered years. Vacancies are filled by the governor by and with the advice and consent of the senate. More than one member may be appointed from the same parish and at least seven appointive members must have been former students and graduates of the university. (C XII:7) The Board of Supervisors shall have full direction, control, supervision and management of Louisiana State University and all its branches; shall hold four regular meetings, one in each quarter of the calendar year, and other special meetings as may be necessary; and shall fix a reasonable per diem and mileage reimbursement for its members.

The LOUISIANA COORDINATING COUNCIL FOR HIGHER EDUCATION was established by amendment to Article XII, Section 7, approved November 5, 1968. The council of 15 members was appointed by the governor with consent of the senate. The council's duties involve certain administrative and supervisory aspects heretofore exercised by the Board of Supervisors of Louisiana State University and the Louisiana State Board of Education, such as creation of new institutions and establishment of new courses or degree programs in existing institutions. A master plan for higher education in Louisiana has been developed by the council. The legislature shall have the right to abolish the council at any time. (C XII:7C.1.(4)) (LRS 17:3081-3090) (Amended 17:3085 by Act No. 414 of 1972 and 17:3086 by Act 418 of 1972)

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Act number 712 of 1972 added Chapter 24 to Louisiana Revised Statutes of 1950 relative to higher education. The LOUISIANA BOARD OF REGENTS was established to be effective January 1, 1974, on which date the functions of the State Board of Education and other higher education boards will be officially transferred to the Board of Regents. The board shall consist initially of members of the LSU Board of Supervisors, Louisiana Coordinating Council for Higher Education and State Board of Education whose terms have not expired on that date. (Organization and duties of said board with respect to higher education are outlined in Louisiana Revised Statutes 17:3121 through 17:3134, Chapter 24.)

STATE SUPERINTENDENT OF PUBLIC EDUCATION

The people of the state every four years elect a state superintendent of public education who must be a citizen and an elector of the state. The State Superintendent of Public Education is ex officio secretary of the state board. (C XII:5) As executive officer of the board he shall establish and staff a state department of education to provide leadership, regulatory and operational functions in such areas as planning, advisory services, coordination, research, in-service education, accountability and evaluation, and public relations. The organizational chart on page 8 indicates clearly the departmental divisions and chain of command. (See text, pages 31 through 41 inclusive)

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PARISH AND CITY SCHOOL BOARDS

Boards shall see that the constitutional and state school laws' provisions for education are observed. Each school board is authorized to make rules and regulations for its own government, not inconsistent with law or with policies and/or regulations of the State Board of Education. All parish and city school boards in existence by virtue of special or local legislative acts are hereby recognized, subject to control by and supervision of the State Board of Education. (C XII:11) (See text pages 47 through 63 for constitutional and statutory provisions regarding parish and city school boards and local superintendents)

FUNDING FOR PUBLIC EDUCATION

Sources of local, state and federal funds for schools and LSU are provided in Sections 14 through 22 of Article XII, in Section 10 of Article X and in Section 14 of Article XIV of the Constitution. The Tulane University of Louisiana is recognized as created by Act No. 43 of 1884. (C XII:24)

OTHER FINANCIAL ASSISTANCE

The Legislature also may provide financial assistance directly to school children of the state for attendance at private nonsectarian elementary and secondary schools in this State. Determination of eligibility for such financial assistance for attendance at such private schools may be provided by law. Legislation heretofore enacted for such purposes is hereby ratified, validated and confirmed. (C XII:1)

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No appropriation of public funds shall be made to any private or sectarian school. The Legislature may enact appropriate legislation to permit institutions of higher learning which receive all or part of their support from the State of Louisiana to engage in interstate and intrastate education agreements with other state governments, agencies of other state governments, institutions of higher learning of other state governments and private institutions of higher learning within or outside state boundaries. (C XII:13)

COLLEGES AND UNIVERSITIES

The Tulane University of Louisiana, located in New Orleans, is hereby recognized as created and to be developed in accordance with provisions of the Legislative Act No. 43 approved July 5, 1884. (C XII:24)

The metropolitan branch of Louisiana State University and Agricultural and Mechanical College established in New Orleans by Act 60 of the regular session of 1956 and known as Louisiana State University at New Orleans shall be and remain at all times an integral part of Louisiana State University and Agricultural and Mechanical College under the direction, control, supervision, and management of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College. (C XII:25)
(Name changed to University of New Orleans, January, 1974)

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The New Orleans Branch of Southern University and Agricultural and Mechanical College established by Act 28 of the extraordinary session of 1956 shall be and remain at all times an integral part of Southern University and Agricultural and Mechanical College under the direct supervision, control and management of the Louisiana State Board of Education (C XII:26).*

RETIREMENT SYSTEMS

Three retirement systems are maintained principally for school employees. These are Teachers' Retirement System of Louisiana (17:571 et seq.), the Louisiana School Employees' Retirement System (for bus operators, janitors and other custodial employees) (17:881 et seq.) and the Louisiana School Lunch Employees' Retirement System (17:1231 et seq.). Some employees of the State Department of Education are members of the Louisiana State Employees' Retirement System, for all state employees. (C XII:23) The Louisiana State University Retirement System established by Act 26 of 1971 provides retirement benefits for LSU personnel. Local retirement systems in Orleans Parish are also authorized for teachers and other school employees. The Orleans Parish Teachers' Retirement System is the only local system in operation in Orleans Parish; however, Act No. 3 of 1971 provides for the merger as of July 1, 1971 of this system and the Teachers' Retirement System of Louisiana. The details of the merger have been completed.

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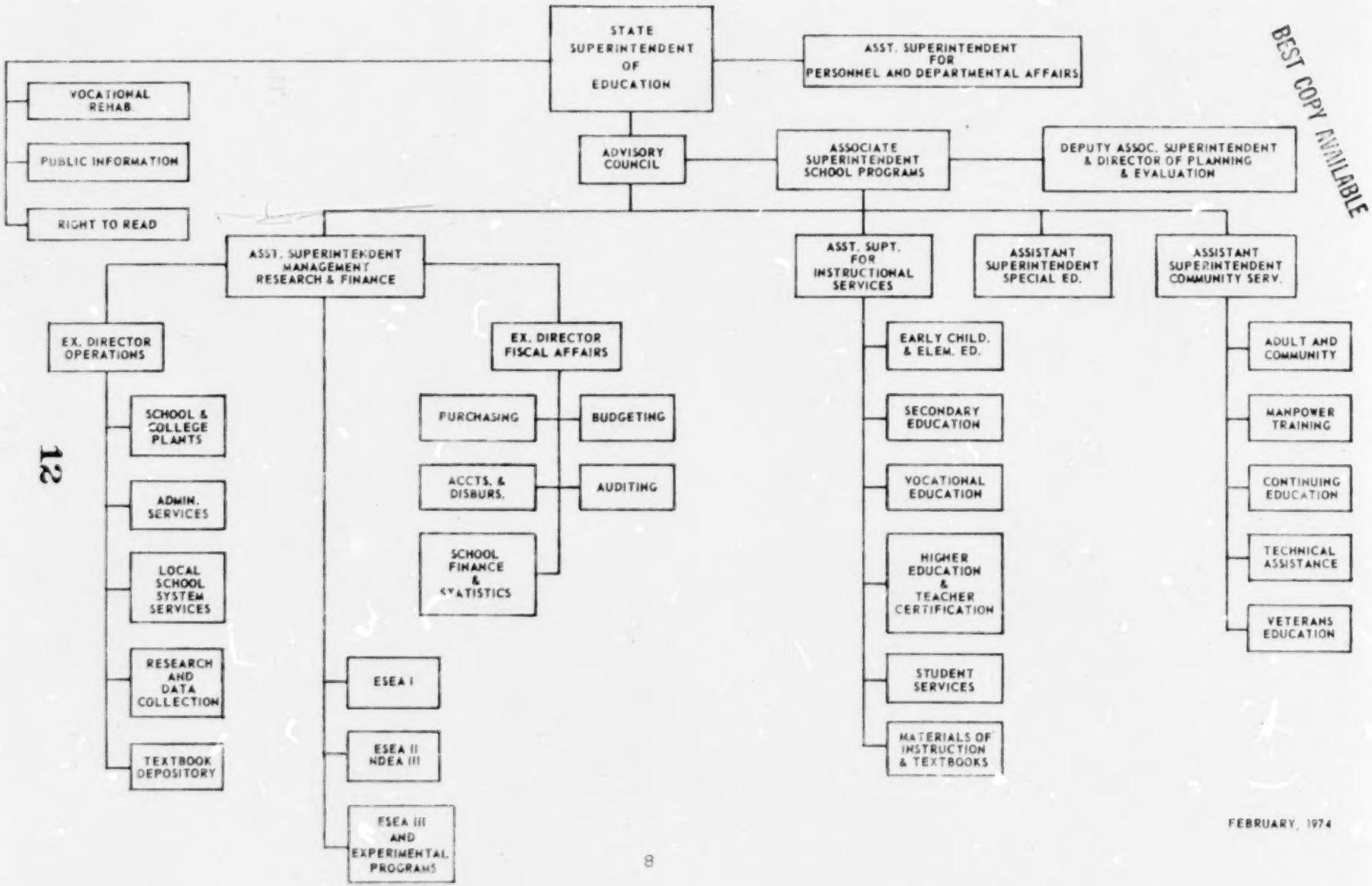
*The other state supported colleges under the State Board of Education have been established at various times by different legislative acts.

ORGANIZATIONAL STRUCTURE OF THE LOUISIANA STATE DEPARTMENT OF EDUCATION



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LOUISIANA STATE BOARD OF EDUCATION

The State Board of Education

A. Qualifications of Members

1. A member must be a citizen of Louisiana.(C VIII:13)

2. A member must be a duly qualified elector of Louisiana. (C VIII:13)

This requires that members be:

a. Not less than twenty-one years of age.(C VIII:1) *

b. A resident of Louisiana for one year, of the parish six months, of the municipality in municipal elections four months, and of the precinct, in which he offers to vote, three months.(C VIII:1a)

c. Legally enrolled as a registered voter.(C VIII:1b)

d. Of good character and understand the duties and obligations of citizenship under a republican form of government. (C VIII:1c)

e. Able to read and write and demonstrate his ability to do so by filing an appropriate application under oath.(C VIII:1c)

f. Able to read and give a reasonable interpretation of any section in the Constitution of Louisiana or the Constitution of the United States. In the event he is not able to read or write, then he will be entitled to register if he is a person of good character and reputation, attached to the principles of the Constitution of the United States and of the State of

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*In compliance with amended Article XXVI of the National Constitution, Louisiana's minimum voting age is eighteen years of age.

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Louisiana, and able to give a reasonable interpretation of any section of either constitution when read to him by the registrar. He shall be well disposed to the good order and happiness of the State of Louisiana and of the United States and must understand the duties and obligations of citizenship under a republican form of government. He shall execute an affidavit affirming that he will faithfully and fully abide by all of the laws of the State of Louisiana. (C VIII:1d)

g. Able to establish that he is the identical person when he applies for registration and when voting at the polls. (C VIII:1e)

B. Membership, Terms and Vacancies

1. The State Board of Education is composed of eleven members elected by the people of Louisiana. Three members are elected by popular vote, one from each of the districts corresponding to the public service commission districts, for terms of six years, and eight members are elected by popular vote, one from each of the districts corresponding to the congressional districts for terms of eight years. (C XII:4) (Amended Acts 1968, No. 669; adopted November 5, 1968)

NOTE: Such districts have been changed following publication of the 1970 census. New congressional districts for

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1972 and thereafter now exist under Act No. 3 of 1972 (to amend LRS 18:1431) and new public service commission districts under Act No. 14 of 1972 (to add Section 1161.1 to LRS, Chapter 45).

2. The governor has constitutional authority to fill by appointment any vacancies occurring on the board although statutory provision cited calls for a special election called by the governor within four months after the vacancy occurs, unless the unexpired term reamining is for one year or less. (C XII: 4 and LRS 17:1)

C. Compensation and Method of Payment

1. The State Board of Education as a corporate body has the authority to determine the compensation of its members at a rate of not less than $10 nor more than $25 per diem for the number of days that the board or the duly authorized committees thereof are in session. In addition, each member of the board is reimbursed for all traveling expenses and other expenses incidental to the attending of such meetings. The members may not be paid for a committee meeting and a board meeting held on the same day. (LRS 17:3)

2. The compensation of the members of the board is paid by the State Superintendent of Education. For this purpose he is specifically authorized to draw warrants against the appropriations made by the legislature from the State Public

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School Fund to the State Board of Education. (LRS 17:3)

Item 78 of Schedule 19 of the General Appropriations Act 14 of 1973 appropriated monies payable from the State Public School Fund to the State Board of Education for a staff and other operating expenses. Accounts are maintained separate from those of the department and compensation of board members is made from this account maintained by State Board staff.

2. The State Board of Education is required to meet on or before the first Monday in December of each year, and at other times when called by the president.

3. All acts of the board are signed by the president and secretary of the board. In addition, all papers, documents and records relative to the board must be filed by the secretary of the board in the office of the State Board of Education.

4. The board is domiciled in the city of Baton Rouge; however, may meet elsewhere after proper public notice.

5. The board may direct that the proceedings of the State Board of Education be published in the official journal of the state or in an official pamphlet. (LRS 17:5)

E. Duties of the Louisiana State Board of Education

1. The board is a body politic and corporate which has the authority to sue and defend suits in all matters relating to the public schools except cases within the jurisdiction

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of the parish school boards. The board shall be domiciled in the city of Baton Rouge, parish of East Baton Rouge. (LRS 17:2)

All councils, police juries, governing bodies, boards or authorities, legislature excepted, shall fix the time and place of regular meetings and in the event of deviations and/or special meetings are required to give advance public notice. (LRS 42:7 and 8 amended and LRS 42:9 added by Act No. 699 of 1972)

2. The board shall fill a vacancy in the office of State Superintendent of Public Education caused by death, resignation or otherwise. (LRS 17:4)
3. The board is authorized to prepare courses of study, rules, bylaws and regulations for the government of the public schools of the state which shall be enforced by the parish superintendents and the several parish school boards. (LRS 17:7)
4. The board is authorized to:
   a. Exercise administrative control and supervision over the adoption, distribution and use of free textbooks.
   b. Adopt rules and regulations governing the use of free textbooks by schools, parish school boards and superintendents of education.
   c. Adopt lists of basal textbooks.

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d. Strictly enforce uniform use of the textbooks from the adopted list or lists. The list(s) remains unchanged for a five-year period unless the State Board authorizes and approves a revised edition of an adopted textbook or changes an adopted text by a two-third's vote of the full membership of the State Board of Education.

e. Control the formulating of modes of procedure for the announcement of bids, examination of books and awarding of contracts. (LRS 17:7 - amended by Act No. 446 of 1972)

5. The board may receive and use for public school purposes any federal or other funds from out-of-state sources. (LRS 17:8)

6. The board may receive and use for public school purposes any donations from residents of the state. (LRS 17:8)

7. The board, at its option, may require reports to be made by the parish superintendents of schools, and teachers. (LRS 17:9)

8. The board shall administer the affairs of the following state education institutions:

a. Colleges and Universities

Four-Year Institutions

(1) Grambling College of Louisiana

(2) Louisiana Tech University

(3) McNeese State University

(4) Nicholls State University

(5) Northeast Louisiana University

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(6) Northwestern State University of Louisiana

(7) Southeastern Louisiana University

(8) Southern University and Agricultural and Mechanical System (Baton Rouge Campus)

(9) Southern University in New Orleans

(10) University of Southwestern Louisiana

Two-Year Institutions *

(1) Delgado Junior College

(2) Southern University, Shreveport-Bossier City Campus

The functions of the Coordinating Council, the State Board of Education and the LSU Board of Supervisors relative to higher education will be officially transferred to the Louisiana Board of Regents effective January 1, 1974. (Act 712 of 1972; LRS 17:3121-3134)**

b. Special Schools

(1) Louisiana State School for the Blind

(2) Louisiana State School for the Deaf

(3) Louisiana State School for Spastic Children

(4) Northeast Cerebral Palsy School

(5) Louisiana State School for Blind - Southern University

(6) Southern University System State School for the Deaf

*Bossier Parish Community College and St. Bernard Parish Community College are administered by the respective parish school boards under the jurisdiction of the State Board of Education.

**Pending decision of Louisiana Supreme Court on the constitutionality of this Act.

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c. Trade Schools

(1) The currently existing statewide system of 31 area trade and/or vocational-technical schools is under the State Board of Education.

(2) Regional Concept of Vocational-Technical Education in Louisiana*

The 1973 Legislature, realizing the increasing demand for vocational-technical training, adopted two acts which will revamp the entire system. The present school system of thirty-one schools will be expanded to forty-five facilities. This includes several new schools, merging of some, and relocating of others. These two acts will make possible the facilities and equipment requirements for a modern and fully coordinated system of post-secondary, vocational-technical education in Louisiana under the authority of the State Board of Education under the direction of the State Superintendent of Public Education. (Acts No. 208 and 209 of 1972; LRS 17:1991-2003)

For each of the eight regions a regional center shall be established which shall be the administrative unit for the vocational-technical post-secondary regional institute,

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* Pending long-range implementation.

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area and branch schools in the region.

The regional institute and the area and branch vocational-technical schools will function under the regional center which will provide administrative services and general planning and leadership to assure that each school provides quality education and functions as an integral part of the system.

The system consists of eight regional institutes, 20 area schools, and 17 branch schools which would blanket the state so completely that fewer than 5 percent of the people would live as much as 25 miles from a school. Most will live within 10 miles.

A regional institute is to be located in the largest city in each of the eight planning districts established by the governor. Each institute is to offer a wide variety of courses ranging from 30 to 75 to assure that the youth of each region will be in close proximity to a school large enough to permit them to match their talents and interests with available training programs. Regional institutes will provide both the vocational-technical education offerings for the immediate area in which they are located as well as the more technical and sophisticated programs for their regions which smaller schools of the region could not justify.

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Regional institutes should in all cases be independent of and physically separated from college administrations to assure consistency of training, administration and objectives; to assure the widest possible visibility in carrying out their leadership role.

The 20 area schools will extend the vocational-technical offerings to the middle-sized to large communities, and each will offer from 10 to 25 different programs.

The 17 branch schools are recommended to guarantee that even in the rural, sparsely-settled or isolated areas of the state, the people will be provided an opportunity to receive vocational-technical education without undue hardship. Such schools will normally offer a range of four to eight different programs.

The enrollment area for each of the 45 schools is the entire state -- just as is the case with the colleges and universities -- and students from any area of the state shall have equal priority to enroll. Each school shall operate with an "open door" policy to serve:

--adults, whether or not they are dropouts or hold diplomas or degrees, so long as they have adequate preparation, aptitudes and the interest to learn a vocational or technical skill;

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-- returning veterans, many of whom have no marketable skills;

-- high school students who meet entrance requirements and are serious about seeking skill training while in high school.

When implemented the recommended system will provide for 23,000 students on a full-time equivalency basis in addition to an equally large number on an evening or extension basis, as compared to little more than half that many at present. It should be mentioned that if the new emphasis on career education is successful, then an even larger increase in vocational-technical enrollment will result.

Region I

Institute - Delgado Vocational-Technical Junior College, New Orleans

Area - New School, at or near Chalmette
New School, Westbank of the Mississippi River, Jefferson Parish
Orleans Area Vocational-Technical School, New Orleans
Jefferson Parish Vocational-Technical School, Metairie

Branch - New School, at or near Port Sulphur

Region II

Institute - Baton Rouge Vocational-Technical School, Baton Rouge or
New School in West Baton Rouge Parish

Area - Hammond Area Vocational School, Hammond
Sullivan Vocational-Technical Institute, Bogalusa
Slidell Vocational-Technical School, Slidell

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Branch - Memorial Area Vocational School, New Roads
Westside Vocational-Technical School, Plaquemine
New School, Ascension Parish
Capitol Area Vocational School, Baton Rouge
New School, at or near Jackson
Florida Parishes Vocational School, Greensburg

Region III

Institute - South Louisiana Trade School, Houma
Area - New School, at or near Thibodaux
New School, at or near LaPlace
Branch - New School, at or near Golden Meadow

Region IV

Institute - New School, at or near Lafayette, within Lafayette Parish
Area - Opelousas Area Trade School and T. H. Harris Vocational-Technical School, Opelousas, shall be merged
Teche Area Vocational-Technical School, New Iberia, within Iberia Parish, shall be relocated at a new site
Gulf Area Vocational-Technical School, Abbeville
Southwest Louisiana Vocational-Technical School, Crowley, shall be relocated at a new site
Young Memorial Vocational-Technical School, Morgan City
Branch - New School, at or near Ville Platte
Evangeline Area Tri-Parish Vocational-Technical School, St. Martinville

Region V

Institute - Sowela Technical Institute, Lake Charles, shall be relocated at another site
Branch - New School, at or near Oakdale
Jefferson Davis Vocational-Technical School, Jennings
New School, at or near Cameron

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Region VI

Institute	-	Alexandria Trade School, Alexandria
Area	-	New School, West Louisiana Vocational-Technical School, Fort Polk
Branch	-	Concordia Parish Trade School, Ferriday
		Huey P. Long Memorial Vocational School, Winnfield
		Avoyelles Vocational-Technical Institute, Cottonport

Region VII

Institute	-	Shreveport-Bossier Vocational-Technical Center, Shreveport
Area	-	Northwest Louisiana Vocational-Technical School, Minden
		Central Area Trade School, Natchitoches, and Natchitoches Trade School, shall be merged
		Sabine Valley Vocational-Technical School, Many
Branch	-	New School, at or near Mansfield
		New School, at or near Ruston

Region VIII

Institute	-	Delta Area Vocational School, Monore, and Ouachita Valley Technical Institute, West Monroe, shall be merged
Branch	-	Northeast Louisiana Vocational School, Winnsboro
		New School, at or near Bastrop
		North-Central Area Vocational-Technical School, Farmerville
		New School, at or near Tallulah
		New School, at or near Lake Providence

9. The board is authorized to purchase all lands, buildings, and equipment and make all repairs, constructions and improvements needed by the colleges, special schools and trade schools. For these purposes the board may incur debts and issue its notes, bonds or certificates of indebtedness. (LRS 17:10 and 3081-90)

10. The board has the authority in the management and control of the

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institutions under its jurisdiction to appoint an executive committee of two, in addition to the State Superintendent of Education who serves as ex-officio member and chairman, for each institution. The members of this executive committee are not required to be members of the Louisiana State Board of Education and shall receive same compensation as board members. (LRS 17:11 and 3081-90)

11. The board submits to the legislature a budget of appropriations needed by the various state education institutions whose affairs are administered by the board. This budget includes any minimum appropriations required by the constitution and any additional legislative appropriation needed in the judgment of the board. (LRS 17:12 and 3081-90)

12. The board shall have the right to approve federal educational or pilot programs prior to installation by parish and city school boards. (LRS 17:13.1)

13. The board supervises, directs and controls the enumeration of all educable children in each parish each year on a continuing basis. An educable is any child who has reached his sixth birthday by January 1 and has not reached his nineteenth birthday by January 2, that is, he is six to eighteen years of age, both inclusive. (LRS 17:15, also see Resolution of State Board relative to Continuing Census, Circular No. 2216)

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14. The board is authorized to enforce the mandatory provision requiring instruction on the Constitution of the United States beginning with the eighth grade and continuing in all the public schools, high schools, colleges, universities and other educational institutions supported wholly or in part with public funds. (LRS 17:261)

15. The board shall include in the curriculum of all grades of all public schools of Louisiana a course of study on the evil and injurious effects on the human system of the use of alcohol and narcotics. Textbooks shall be selected in the same manner as other textbooks and shall be complete and exhaustive to make teaching effective. (LRS 17:262 and 265)

16. The board may at its discretion direct the State Superintendent of Education to issue appropriate and necessary suggestions and information to local superintendents and teachers in the public schools for the teaching of kindness to dumb animals. (LRS 17: 266)

17. The board shall require, whenever practicable, that at least one hour of instruction a week be given to the male students in all grades higher than the eighth grade in the principles and practice of military science and tactics, especially with reference to the duties of a soldier and object of general military interest. (LRS 17:267)

18. The board may establish and administer a selective service obligation orientation program of noncredit instruction for

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male students in grades 9 through 12. (LRS 17:269)

19. The board shall require that the Declaration of Independence of the United States of America be made a required course in all elementary schools throughout the state. In addition, the Federalist Papers shall be made a required course in all the high schools throughout the state. (LRS 17:268)

20. The State Board of Education and the State Department of Education shall establish and operate a Driver Education and Training Program in each parish of this State for children of secondary school age. The program shall consist of a course of not less than six hours of actual driving experience and thirty hours of classroom instruction...They shall prescribe such rules and regulations as are necessary and proper for the conduct and operation of the Driver Education and Training Program. The State Board of Education shall approve operating procedures defining the conduct and scope of the use of driving simulators to be used in the program...The State Superintendent of Education shall account for all funds provided for and expended under authority of this section in a detailed statement submitted to the next regular session of the legislature, and annually thereafter. (LRS 17:270, added by Acts 1968, No. 283, Section 1)

21. The State Board of Education and the State Department of Education shall establish and operate a Driver Education and Training Program in each parish of this State for adults. This program

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shall have the same ends and purposes as the Driver Education and Training Program for all children of secondary school age established and operated by the State Board of Education and the State Department of Education. The program shall consist of a course of not less than six hours of actual driving experience and thirty hours of classroom instruction...They shall establish and operate a driver improvement program for the purpose of the rehabilitation of drivers. (LRS 17:271, Acts 1968, No. 282, Sections 1-4)

22. The French language and the culture and history of French populations in Louisiana and elsewhere in the Americas shall be taught for a sequence of years in the public elementary and high school systems of the state, in accordance with the provisions set down in the law...The State Board of Education, the State Superintendent of Education, and all other public educational officials and administrators are properly charged with the implementation of this Act. (LRS 17:272, Acts 1968, No. 408, Sections 1-4, Amended by Acts 1968, Extra Session, No. 21, Section 1)

23. The board may accept and direct the disbursement of funds appropriated by any Act of Congress and any commodities provided by any agency of the Federal government and apportioned to the state for use in connection with school lunch and school milk programs. The board shall deposit all such funds received from the Federal government in a

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special account with the treasurer of the state who shall make disbursements upon the direction of the State Board of Education. (LRS 17:193)

24. The board may enter into agreements with any agency of the Federal government, with any school board, or with any other agency or person. (LRS 17:194, See Acts 1964, No. 504 for restrictions)

25. The board may prescribe regulations, employ personnel and take other action it may deem necessary to provide for the establishment, maintenance and expansion of any school lunch program and to direct the disbursement of federal and state funds in accordance with any applicable provisions of federal or state law. However, no state funds shall be disbursed for the support of any school lunch program which shall be used by any private person, enterprise, concern or other entity for profit, regardless of any authority in federal or state law for contracting with such a private supplier or provider of school lunch programs. (LRS 17:194, Amended by Acts 1970, No. 612, Section 1)

26. The board may give technical advice and assistance to any school board in connection with the establishment and operation of any school lunch program and may assist in training personnel engaged in the operation of such program. (LRS 17:194)

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27. The board may accept any gift for use in connection with any school lunch program. (LRS 17:194)

28. The board shall prescribe regulations for keeping of accounts and records and the making of reports by or under the supervision of school boards. These accounts and records shall at all times be available for inspection and audit by authorized officials and shall be preserved for a period of time, not in excess of five years, as the board may prescribe. (LRS 17:196)

29. The board shall prohibit "sex education" in the public schools, (Act No. 53 of 1970) including tests, surveys or quizzes on personal or family practices in sex, morality or religion. (LRS 17:281)

30. The board and parish school boards are authorized and directed to screen books, films and other similar materials and remove those which are unwholesome, offensive and unacceptable. (LRS 17:355, Act No. 500 of 1970)

31. The board is authorized to sell at public auction any surplus movable property belonging to the board . . . and to allow employing of qualified, licensed auctioneers for said purpose. (Act No. 423 of 1972)

32. The board shall have final authority concerning the issuance of licenses for proprietary schools. (LRS 17:3121 through 17:3134 added by Act No. 311 of 1972)

33. The board shall provide additional training in state's vocational-technical schools by means of Job Reserve Fund

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created within the Department of Education budget. (LRS 17:21 added by Act No. 548 of 1972)

34. The board shall implement Career Development Educational Programs in the vocational-technical schools and penal institutions of Louisiana. (Act No. 201 of 1972)

35. Any official, the head of any board, any commission or agency of the State of Louisiana charged or assigned with the duty and/or responsibility to collect, receive or disburse state funds, excepting the governor, are required to furnish immediately to members of the legislature any information relating to the payment, allotment or disbursement of state funds. Nothing herein shall affect the confidence of the payment of state taxes. (Act No. 515 of 1972)

36. To accomplish the goals set forth, the board in cooperation with other educational institutions and the department shall implement career education by planning, executing and administering plans for, but not limited to, the following:

    1. The development of professional skills in career education by preservice training of teachers and counselors and by in-service training of teachers, counselors, administrators and supportive service personnel for which the board may utilize personnel and facilities of the institutions of higher learning that are under its jurisdiction, and may participate in cooperative programs for the same purpose with other institutions of higher learning.

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2. Allocation of vocational-technical teachers throughout the various levels and throughout the system of career education.
3. Writing or revising the handbook for school administration.
4. Printing of curricula and printing of guidelines therefor.
5. Higher levels of training for career students at the institutions of higher learning, including one- and two-year certificate and associate degree programs in technical and paraprofessional fields of study.

(Added by Acts 1973, No. 208, LRS 17:1993)

37. The State Board of Education shall designate and certify special education centers, which may be located in state colleges and universities, as competent authorities for the psychological and educational diagnosis and evaluation of handicapped and other exceptional children, and pupils may be assigned to such special classes or facilities, or for special education or training, only upon the recommendation of said special education centers or other competent authorities approved by the State Board of Education. These special education centers may contract with certified mental health centers and clinics or with other certified persons or agencies which are approved by the State Department of Education for the evaluation and diagnosis of these exceptional and handicapped children.

An advisory committee composed of fifteen persons representing

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consumer groups, educators and the professionals involved shall be appointed by the State Board of Education to study and review the activities of the existing special education centers to determine if they are performing satisfactorily and to determine if there is evidence to justify the extension of contracts to parish and city school boards. (LRS 17:1950, amended by Acts 1964, No. 487, Section 1; Acts 1972, No. 368, Section 1; Acts 1972, No. 544, Section 1; Acts 1973, No. 70, Section 1)

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STATE SUPERINTENDENT OF PUBLIC EDUCATION

The State Superintendent of Public Education

A. Qualifications of State Superintendent

1. He must be a citizen of Louisiana. (C VIII:13)

2. He must be a duly qualified elector of Louisiana. (C VIII:13)

B. Ex Officio Secretary of the Board; Election; Terms; Salary and Vacancy

1. There shall be elected by the people at each succeeding general election for a term of four years a State Superintendent of Public Education who shall be ex officio secretary of the board. The annual salary of the State Superintendent of Public Education is stipulated in the constitution; however, the legislature can increase the salary above the constitution limit by a two-thirds vote. Beginning on July 1, 1969, the superintendent's salary was designated by law to be $18,700 a year plus $7,829.69 or a total of $26,529.69, which represented an amount equivalent to the average percentage of adjustment in the annual salaries of classified personnel under the Civil Service System during the period from July 1, 1964 through June 30, 1968. (C XII:5, LRS 17:4, Amended Acts 1969, No. 11, Section 2)

2. If the office of State Superintendent of Public Education becomes vacant by death, resignation or otherwise, the

vacancy shall be filled by the State Board of Education. (LRS 17:4)

C. Duties of the State Superintendent of Public Education

1. He shall serve as ex officio secretary of the State Board of Education. (LRS 17:6)

2. He shall establish a State Department of Education with such divisions and positions as he may deem necessary or appropriate. (LRS 17:6)

   He shall establish and maintain within the State Department of Education a separate division of drug education to provide a statewide Drug Education Program within the schools of the state. (LRS 17:6.1, added by Act No. 178, 1972)

3. He shall select and employ the personnel in the State Department of Education, and fix their salaries and define their duties. (LRS 17:6)

4. He shall keep in close touch with all of the state education institutions under the control of the State Board of Education, and all of the public schools of the various parishes with the view of seeing:

   a. That the physical plants of the schools are adequate and kept in the proper state of repair and sanitation

   b. That the courses of study prescribed by the State Board of Education are faithfully followed

   c. That teachers meet the standards prescribed by the

board

d. That classes are not overcrowded

e. That children are properly classified as to grades

f. That wise methods are used in the presentation of the subject matter

g. That assistance is given local authorities, superintendents and teachers in all other ways possible to secure the best possible results from their efforts. (LRS 17:13)

5. He shall have the right to approve federal educational or pilot programs prior to installation by parish and city school boards. (LRS 17:13.1)

6. He shall draw and transmit to the parish and city school boards, during the current calendar or fiscal year, monthly warrants on the state comptroller covering the amount of the state public school fund to the extent of $7,500,000 due the parish or city school boards, on the basis that the number of educable children between the ages of six and eighteen years of age, both inclusive, in the respective parishes, bears to the total number of such educable children in the state, as per the last census of educables; these warrants shall be made payable to the treasurer of the various parish and city school boards and transmitted to them. (LRS 17:14)

7. He shall draw warrants on the state comptroller for the distribution of the state equalization fund in the months

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of November, February and June, or oftener, at his option (currently, monthly), subject to the controls and regulations established by the State Board of Education and such warrants, when presented to the state comptroller, shall be acted upon and the state comptroller's warrant is issued to the state treasurer for payment. (LRS 17:14)

NOTE: The office of state comptroller will be abolished effective end of term 1976 by order of Act 690 of 1972 and his duties will be merged and consolidated into the Division of Administration.

8. He shall make an annual report to the governor and to the members of the legislature on the condition and progress made, and on possible improvements to be made in the public schools and this report shall contain the following:

   a. A complete financial report on the receipts and expenditures of the department and of the various educational institutions under the supervision of the State Board of Education

   b. Data concerning faculty, enrollment, graduates, courses of study and any other information required to show the condition, progress and needs of these institutions

   c. An abstract of the reports of the parish superintendents to the state superintendent, as well as

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all other facts and statistics that are of interest to the public schools. (LRS 17:16)

9. He shall cause to be printed a sufficient number of copies of the annual report for distribution to the members of the legislature, the state officials, parish school boards, libraries and to the superintendents of schools of other states and territories. (LRS 17:16)

10. He may require presidents of the state educational institutions to furnish to the state superintendent of public education not later than August 15 of each year such annual reports as are needed. (LRS 17:16)

11. He shall file, each year separately, all papers, reports and public documents transmitted to him by the boards and officers whose duty it is to report to him, and hold these materials in readiness to be examined by the governor whenever he sees proper, by any committee appointed by the legislature or by any interested citizen. (LRS 17:17)

12. He shall keep a record of all matters appertaining to his office. (LRS 17:17)

13. He shall in all cases receive and admit in lieu of the originals, certified copies of records and papers and is authorized to make copies, when requested by any person, of any papers deposited or filed in his office, or of any act or decision made by him or the State Board of Education and certify the same. (LRS 17:18)

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14. He shall report to the State Board of Education all irregularities on the part of any parish or city school board, or parish or city superintendent, whenever it may come to his knowledge. (LRS 17:19)

15. He shall hold annually such conventions of school officials, superintendents and teachers as he may deem necessary for the promotion and advancement of the public school interests. (LRS 17:19)

16. He is authorized by law to call upon the attorney general of the state for legal advice regarding any controversy or dispute affecting such officers or boards (state superintendent, state board, parish school boards), relating to their respective rights or duties or affecting the schools under their charge, or any of them. (LRS 17:20)

17. He shall, whenever required, give advice, explanations, instructions or information to the school board members and superintendents and to citizens relative to the public school law, the duties of the public school officers, the rights and duties of parents, guardians, pupils, and all other officers, the management of the schools and all other questions calculated to promote the cause of education. (LRS 17:20)

18. He shall appoint or designate members of the Department of Education whose primary responsibility shall be to supervise and enforce the provisions of compulsory school

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attendance and who shall serve as state director and assistant state director of child welfare and attendance. (LRS 17:227)*

19. He is authorized to prescribe the duties of the state directors and assistant state directors of child welfare and attendance, and to make such rules and regulations for the performance of such duties not inconsistent with law. (LRS 17:227)*

20. He shall instruct and require the various school boards and parish superintendents to establish and maintain in all grades of the public schools of their respective parishes, such courses of study of the evil effects of alcohol and narcotics and their injurious effects on the human system as may be required by the State Board of Education. (LRS 17:263)

21. He, along with other public school system authorities, state and local, shall be responsible for offering the best available for educational, learning and training facilities, services, classes and opportunities to all

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*In order to eliminate duplication of effort, at its meeting of August 16, 1973, the State Board of Education revised its regulations for maintaining the statewide census of educables. The director of school finance and statistics has been appointed to collect and compile the annual dropout report.

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children of school age within their respective boundaries. This includes all children of school age whether normal, exceptional, crippled or otherwise either mentally or physically handicapped, and whatever may be the degree of that handicap.

Physically handicapped, mentally handicapped, and other exceptional children include slow learners, educable, and trainable mentally retarded; deaf and hard of hearing; speech impaired; blind and/or partially sighted; emotionally disburbed; cerebral palsied; gifted; children with learning disabilities, crippled, and other health impaired children who by reason thereof require or need special educational and/or training services, facilities and opportunities. Trainable mentally retarded shall include children down to twenty-five I.Q.

Children who have been identified and are eligible for services in the categories described in the preceding paragraph shall be not less than three years of age nor more than twenty-one years of age, subject to the rules and regulations of the State Board of Education concerning the age groups of children who may be reasonably taught or trained together. No child shall be excluded from normal classes because of mental or physical disability or handicap until his condition has been diagnosed and he has been recommended for available special education classes by one of the special education centers located in the state colleges and universities or by other competent authorities designated by the

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State Department of Education, pursuant to the rules and regulations of the State Board of Education. (LRS 17:1941-52 Amended by Acts 1964, No. 487; Acts 1972, No. 368)

22. He shall serve on the following boards or in the following capacities:

    a. Board of Administrators of the Tulane Education Fund (Acts 1884, No. 43)

    b. Louisiana Teachers' Retirement Board of Trustees (LRS 17:652)

    c. Louisiana State School Lunch Employees' Retirement Board of Trustees (LRS 17:1271)

    d. Louisiana Stonewall Jackson Memorial Board (Acts 1956, No. 459)

    e. Secretary-Treasurer of the T. H. Harris Scholarship Foundation (LRS 17:1781)

    f. Louisiana Teachers' Association Executive Council (By virtue of Constitution of LTA)

    g. Louisiana Art Commission (LRS 25:301)

    h. Executive Secretary of the State Commission of Higher Education Facilities Act of 1963 (LRS 17:1793)*

    i. Ex officio member of the Louisiana Educational Television Authority (LRS 17:2501-2506, added by Acts 1971, No. 13)

23. He shall designate a staff member to serve as executive secretary of the advisory commission on proprietary schools and to receive

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*Executive Order No. 47, effective September 1, 1973, transferred this commission's functions, duties and staff to the Louisiana Coordinating Council for Higher Education.

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all applications for licenses for proprietary schools. The superintendent shall receive commission recommendations and submit them to the state board. (LRS 17:3141.1 through 17:3141.14, added by Acts 1972, No. 311 and redesignated on authority of LRS 24:253)

24. He shall provide for continuing in-service training and educational programs for nonelective officials and employees of the State Department of Education. (LRS 42:1260 through 42:1264, added by Acts 1972, No. 400)

25. He shall be responsible for a master education plan for the state, exclusive of higher education, to be prepared by the State Education Study Commission created in the Department of Education. (Acts 1972, No. 536) No special funds appropriated for this purpose.

26. As head of state agency, he shall abide by the statute that provides that all state agencies, departments and political subdivisions are required to pay all obligations arising under public contracts when the obligations become due and payable. (LRS 38:2191, added by Acts 1972, No. 508)

27. Any official, the head of any board, any commission or agency of the State of Louisiana charged or assigned with the duty and/or responsibility to collect, receive or disburse state funds, excepting the governor, are required to furnish immediately to members of the legislature any information relating to the payment, allotment or disbursement of state funds. Nothing herein shall affect the confidence of the payment of state taxes. (Acts 1972, No. 515)

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28. The superintendent as head of the department of education shall plan, develop and provide a coordinated, comprehensive program of career education. (17:1992 et seq., added by Acts 1973, No. 208)

29. In cooperation with the board and other educational institutions, he shall implement career education by planning, executing and administering plans for, but not limited to, the following:

    1. The development of professional skills in career education by preservice training of teachers and counselors and by in-service training of teachers, counselors, administrators and supportive service personnel for which the board may utilize personnel and facilities of the institutions of higher learning that are under its jurisdiction, and may participate in cooperative programs for the same purpose with other institutions of higher learning.
    2. Allocation of vocational-technical teachers throughout the various levels and throughout the system of career education.
    3. Writing or revising the handbook for school administration.
    4. Printing of curricula and printing of guidelines therefor.
    5. Higher levels of training for career students at the institutions of higher learning, including one- and two-year certificate and associate degree programs in technical and paraprofessional fields of study. (Added by Acts 1973, No. 208, LRS 17:1993)

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STATE DEPARTMENT OF EDUCATION

The State Department of Education

A. Organization and Establishment

1. The state superintendent of public education as the executive officer of the board shall establish a state department of education with such divisions and positions as he may deem necessary or appropriate. (LRS 17:6)

2. For current organization of the State Department of Education, see organizational chart on page 8.

B. Selection and Employment of Professional Personnel in the State Department of Education

1. The state superintendent of education shall select and employ the professional personnel in the Department of Education; however, this provision does not apply to personnel employed in the department who are in the classified service under the applicable civil service regulations of the state. (LRS 17:6)

C. Office Space, Equipment and Expenses of the Office of the State Superintendent of Education and the Department of Education

1. The legislature shall provide in the state capitol* the necessary offices for and all equipment needed by the

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*The education building is an entity in the capitol complex plan.

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superintendent of education.

2. It shall also make provision for postage, stationery and the other necessary expenses of the office, the cost of which must be within the limits of an appropriation made for that purpose. (LRS 17:6)

D. Salaries of Professional Personnel

1. The state superintendent of education shall fix the salaries of the professional personnel in the Department of Education.
2. The salaries and expenses of such employees shall be paid from the appropriations made by the legislature and from such other sources as may be available. (LRS 17:6)

E. Duties of Professional Personnel in the State Department of Education

1. The state superintendent of education shall define the duties of the professional personnel in the State Department of Education. (LRS 17:6)
2. The various employees in the State Department of Education shall be under the immediate direction and control of the state superintendent of education, and they shall make such verbal and written reports to him as he may require in the prosecution of the work of inspection and supervision of the public schools. (LRS 17:13)

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Guiding Principles for Determining the Functions and Services of State Department of Education

Functions of the Louisiana State Department of Education may be defined as the department's broad and comprehensive responsibilities. Services are the acts performed by the department to discharge the duties imposed by these functions and are many. Generally, the functions of the State Department of Education may be classified into three major categories:

A. Leadership

B. Regulatory

C. Operational

A. Leadership Functions

Leadership may be defined as the interplay among persons which gives common direction to their efforts through leaders. Leadership functions constitute the major responsibility of the State Department of Education. Improvement of state education programs and communities is the outcome of effective leadership services to the various parish and city school boards, colleges and universities, special schools, trade and vocational-technical schools, the legislature, various organizations and to the people of the state.

Some important leadership functions of the State Department of Education are:

1. Planning - The development of plans for each of the major areas of service and a comprehensive plan for the state program of education is a continuous and highly significant activity.

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2. Advisory - In all areas of the state's program of education, consultative service and advice are essential to continuing improvement.

3. Coordination - As a means of promoting unity and encouraging proper balance in education, coordination of all educational efforts within the state's jurisdiction is essential.

4. Research - Studies for the formulation of policy and the evaluation of programs are basic to long-range educational planning and the continuing improvement of education.

5. Public relations - This includes providing the public with information on education needs and progress, and encouraging public participation in the formulation of educational policy.

6. In-service education - This includes providing opportunities, facilities and personnel for the continued growth of all persons in the state who are engaged in educational work.

B. Regulatory Functions

Regulatory functions are a direct consequence of state authority and responsibility for education. Regulatory functions are limited to those enumerated or authorized by statutes. These standards may have the force of law. The establishment of standards and the accompanying power to enforce compliance are usually referred to as regulatory functions.

C. Operational Functions

The State Department of Education operates certain classes or programs of direct service to individuals or groups. These direct operational

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functions are quite different in character from leadership and regulatory functions. When exercising the operational function, the State Department of Education is the agency charged with operating the class or program whereas in exercising leadership or regulatory functions, the department deals with another agency which is charged with the operation of the program. The State Department of Education is the logical unit for the operation of certain types of educational programs.

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SCHOOL BOARDS IN LOUISIANA

There are 66 parish and city school boards in Louisiana. The legislature is authorized by the constitution to create parish and city school boards whose members usually represent wards or districts. Each parish (county) has a school board to provide educational services within the 64 parishes of the state. In the two cities of Monroe in Ouachita Parish and Bogalusa in Washington Parish, a separate city school board performs these functions, having the same status as a parish school board. Therefore, there are 66 basic (local) school administrative units in Louisiana. A parish (county) unit system, according to school authorities, is more conducive to economic and efficient administration.

Act No. 562 of 1966 proposed a constitutional amendment which was approved by the electorate on November 8, 1966, which consolidated the Calcasieu Parish and City of Lake Charles School Systems effective July 1, 1967.

Parish and city school boards were authorized to effect reapportionment based on the 1970 federal census or a special census made for such purpose to make representation equal as to number of electors represented by each member to be elected in 1972. Each school board is authorized to again reapportion itself every ten-year decennial after the 1970 census (1980) and such reapportionment shall be effective in time for the elections in the second year thereafter (1982). They shall reapportion no oftener than every ten years.

In compliance with Act 319 of 1970, each of the school boards reestablished

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itself with not less than five (for Jefferson Parish, not less than seven) nor more than fifteen members, or the number then authorized for that school board, whichever was the greater. In the event of changes, the proposition of size may be presented to the people.

As a result of this reapportionment, each school board member is elected for a term of six years (except in Jefferson Parish and the City of Bogalusa where the term of office is four years). The specific six-year term of each member is so arranged that approximately one-third of the members shall stand for election every two years at the same time and in the same election as members of the U.S. Congress (except in Jefferson Parish where, since 1970, one-half of the members are elected every two years). Terms are generally staggered to provide for a continuation of experienced personnel in office. In the event of an increase in membership the new member shall be appointed by the governor until the successors have qualified and are elected at the next general election. (LRS 17:52) (LRS 17:60.2 and 17:71.1-6, amended by Acts 1970, Nos. 319 and 485, general references to three preceding paragraphs)

In addition to being citizens of the state and qualified electors (registered voters) of the district, parish, municipality, area or ward, school board members shall be able to read and write. A school board member must be a bona fide resident of the area represented. Temporary absence while following employment is not a bar to membership.

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All vacancies in the membership of parish or city school boards caused by death, resignation or otherwise, shall be filled by appointment by the governor where less than a year remains of the term, and where more than a year remains the governor shall appoint someone to the vacancy until an election is held at the regular time for electing other school board members. Such appointments shall be made from a list of three names submitted to the governor by the remaining members of the board. A school board member submits his resignation to the governor and until the governor accepts same there is no vacancy. The president of the board may vote again to break a tie vote on such list. If there is no president and a tie vote has resulted, all names are submitted. School board members may be removed by a recall election. At least twenty-five percent of the registered voters of an area or ward must petition the governor to call a recall election at which voters cast ballots for the recall or against the recall. If the result is for recall, the governor is authorized to fill the vacancy. If school board members only are on the ballot, the school board must pay the cost of election.

School board members must not violate the dual office holding provisions of Section 4 of Article XIX of the constitution. Certain exceptions are provided and each case should be individually checked to determine if there is a conflict.

School board members take a loyalty oath or affirmation which must be filed with the clerk of court and the Secretary of State.

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School board members receive not less than $40 nor more than $50 per diem while attending meetings of the board plus 10 cents per mile in traveling to and from school board meetings or a total compensation of $200 per month, in lieu of such per diem and travel. Each board must vote to approve the $10 increase in per diem authorized by the 1967 legislature. The three members of the executive committee receive the same per diem and traveling expenses for not more than one meeting in a calendar month provided committee meetings are not held on the same day as school board meetings. In parishes with 15 or more members, the executive committee may consist of four members (See Acts 1970, No. 343). Besides the same compensation as other board members, the president may receive, at the discretion of the board, one day's per diem per month for discharging the duties of his office as president provided such day does not fall on the day of an executive committee or school board meeting. (LRS 17:56) The members of the Orleans Parish School Board shall serve without compensation.

In East Baton Rouge Parish all committee members may be paid $40 per diem according to Acts 1971, No. 57.

The members of the St. Tammany Parish School Board, notwithstanding any other provisions of law to the contrary, shall receive the same remuneration as is now or may be hereafter provided by law for members of parish school boards for attendance at all meetings of said board and also for attendance at all meetings of committees on which they serve as members, not to exceed fifty days in any calendar year. (LRS 17:56.1 added by Acts 1972, No. 511)

All school boards authorize school board members or representatives

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of the membership to attend state and national school boards association conventions annually. The traveling expenses may be set by the board for travel outside the parish or city.

School boards are required by law to hold four regular meetings, one each in the first week of January, April, July and October. Special meetings may be held as required (LRS 17:81). The Jefferson (LRS 17:60.1) and Orleans Parish School Boards shall hold monthly meetings and special meetings as required. (LRS 17:121)

School boards control the affairs of the 66 basic administrative units having an average area of approximately 724 square miles. The average area of basic administrative units in the United States is 101 square miles, ranging from 13 square miles in New Jersey to 9,036 square miles in Alaska.

The parish and city school boards are constituted bodies corporate with the power to sue and be sued under the name and style (name of parish) Parish School Board. Citation shall be served on the president of the board and in his absence on the vice-president. School boards are public corporations whose functions are performed solely for public benefit. School boards are state agencies and are considered as local subdivisions of the state. School boards as bodies corporate are part of one educational system under the general control and supervision of the State Board of Education.

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SOME OF THE RESPONSIBILITIES, POWERS AND DUTIES OF PARISH SCHOOL BOARDS IN LOUISIANA

1. Organize - elect a president and vice-president and fix their terms of office not to exceed 6 years. (LRS 17:54 amended by Act No. 437 of 1972)
2. Enforce courses of study, rules, bylaws and regulations of the State Board of Education. (LRS 17:7)
3. The general exercises in the public schools shall be conducted in the English language. (C XII:12) Fundamental branches of study, including instruction on the constitutional system of the State and National Governments and the duties of citizenship shall be taught in the elementary schools. (C XII:3)
4. Enjoy corporate status with power to sue and be sued. (LRS 17:51)
5. Appoint executive committee of three members and delegate duties to it. For school boards of 15 or more members, committee may consist of four members. (LRS 17:55 amended by Acts 1970, No. 343)
6. Elect a parish superintendent, having such qualifications as may be fixed by the State Board of Education, for a period not to exceed four years and prescribe his duties and salary. (LRS 17:54 amended by Acts 1972, No. 437)
7. Determine number and location of schools. (LRS 17:81)
8. Select teachers from nominations of superintendent or by majority vote of the entire membership of the board. (LRS 17:81)
9. See that provisions of the state school laws are complied with. (LRS 17:81)
10. Make rules and regulations for its own government not inconsistent with law or regulations of the State Board. (LRS 17:81)

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11. Fix time and place of regular meetings, and in event of deviations or if special meetings are required, to give advance public notice. (LRS 42:7and8 amended and 42:9 added by Acts 1972, No. 699)
12. Set dates for meetings - regular and special. (LRS 17:81)
13. Exercise proper vigilance in securing school funds. (LRS 17:81)
14. Receive land by purchase or donation. (LRS 17:81)
15. Construct school buildings and facilities and provide furniture, equipment and apparatus. (LRS 17:81)
16. Recover for damage to their property. (LRS 17:81)
17. Change location of school house, sell or dispose of old site and provide new site. (LRS 17:81)
18. Establish public schools to provide adequate school facilities, trade schools, evening schools, schools for adults, schools and classes for exceptional children and such others as may be necessary. (LRS 17:151)
19. Establish the policy for age of children entering regular public school and kindergarten. Children attaining the age of six within four months after the beginning of any public school term or session may enter public schools at the beginning of the school term or session, and kindergartens may be authorized for children, between the ages of four and six years, provided that in any parish or municipality the School Board may establish the policy that only children attaining the age of five on or before December 31 may enter kindergarten at the beginning of the term or session and only those attaining the age of six on or before December 31 may enter regular public school at the beginning of the term or session. (C XII:1, as amended Acts 1958, No. 557, adopted Nov. 4, 1958; Acts 1962, No. 546, adopted Nov. 6, 1962)

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20. Pay all obligations arising under public contracts when they become due and payable. (LRS 38:2191 added by Acts 1972, No. 508)
21. Conduct teacher institutes. (LRS 17:85)
22. Adopt a budget of expected revenues and probable expenditures. (LRS 17:88)
23. Submit budgets, regular and amended, to the State Superintendent of Public Education formerly submitted to State Budget Committee which has been abolished. (LRS 17:88 amended by Acts 1972, No. 693)
24. Revise the budget as required by State Budget Committee. (LRS 17:88)
25. Take a school census as required by State Board of Education. (LRS 17:15)
26. Provide transportation for children attending any school of suitable grade, approved by the State Board and living more than one mile from such school. (LRS 17:158 amended by Acts 1969, No. 143)
27. Provide for tenure and removal of bus drivers. (LRS 17:491-4 amended by Acts 1970, No. 494)
28. Purchase school bus equipment. (LRS 17:164 and 158.1)
29. Rent or lease 16th section lands. (LRS 17:87)
30. Create school districts, hold elections and issue bonds. (LRS 17:1371-1378)
31. Pay assessor and tax collector fees and purchase equipment. (LRS 33:47 and LRS 47:1906 and 1992)
32. Operate on a fiscal year basis, July 1 - June 30. (LRS 17:89)
33. Appoint assistant superintendent, supervisors, stenographers, etc., as may be needed for the proper and efficient conduct of the schools, fix their salaries and prescribe their duties. (LRS 17:84 amended by Acts 1972, No. 67 and 84:01)

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34. Designate location of office of parish superintendent. (LRS 17:90)

35. Select official journal. (LRS 43:141)

36. Provide for teacher tenure and removals. (LRS 17:441-445)

37. Recommend continued operation of schools having ADA below 10. (LRS 17:152)

38. Enforce compulsory school attendance law. (LRS 17:221-37)

39. Authorize maternity leaves. (LRS 17:1211-3)

40. Secure approval of State Bond and Tax Board for borrowing money, issuing bonds, etc. (LRS 47:1803)

41. Grant sick leave. (LRS 17:1201-7)

42. Levy five mill constitutional tax, or as much thereof as may be necessary. (C XII:15)

43. Contribute to Parish School Loan Fund. (LRS 17:1752-60)

44. Furnish immediately to members of legislature any information relating to payment, allotment or disbursement of state taxes. (Acts 1972, No. 515)

45. Grant military leaves with tenure protected. (LRS 17:1215-7)

46. Grant sabbatical leaves. (LRS 17:1171-85)

47. Maintain records under Public Records Act. (LRS 44:1)

48. Consult district attorney as legal advisor. (LRS 16:2 and 42:261B)

49. Grant leaves without pay. (LRS 17:1186)

50. Offer and administer Selective Service Obligation Orientation Program of noncredit instruction for male students in grades 9-12. (LRS 17:269 added by Acts 1964, No. 44)

51. Reemploy persons called to duty in state military service during times of emergency and protect tenure, salary and other benefits. (LRS 17: 1215-7)

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52. Furnish safety goggles to students operating devices hazardous to eyes. (LRS 17:2114)

53. Invest surplus funds in government obligations and time certificates of deposit of banks. (LRS 17:99)

54. Contract with State Collector of Revenue to collect sales tax levied on motor vehicles. (LRS 33:2737)

55. Purchase private services for special education and training of physically and/or mentally handicapped or exceptional children. (LRS 17:1941-1952)

56. Maintain minimum salary schedules for teachers and special employees in force in 1968-69 in effect until Act No. 397 of 1968 is fully implemented. (LRS 17:421, 496-7)*

57. Pay election costs if only school board candidates on election ballot. (LRS 18:1195E)

58. Provide gravel or funds to local governing authority for graveling of school bus turnarounds. (LRS 17:158)

59. Remit monthly to Teachers' Retirement System employer's contributions as provided for in 17:702 and 703. (Added by Acts 1972, No. 112)

60. Add 13th and 14th grades to school system upon approval of State Board of Education and Coordinating Council of Higher Education. (LRS 17: 151.1)

61. Secure approval of State Board of Education as to the purpose for which nonlocal funds or grants are accepted for any new curricular or pilot program. (Acts 1970, No. 497 - LRS 17:81.2)

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*See Act 14 of Extra Session, 1973 Legislature, which implemented a 5.5% cost-of-living increase for public school teachers.

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62. Sell unused school lands at public auction or by sealed bids to the highest bidder. (LRS 41:891-892 amended by Acts 1972, No. 291)

63. Authorized to enter into voluntary compacts with other parish school boards so as to provide multiparish educational programs, not to extend to compacts for operation of 13th and 14th grades. (17:100.2 and 17:100.3 added by Acts 1972, No. 334)

64. Enforce immunization or receive evidence of the same for children entering public school for the first time, including immunization against diphtheria, tetanus, whooping cough, poliomyelitis and measles. (17:170, Section A amended by Acts 1972, No. 322)

65. Enforce immunization for meniscocytosis, commonly known as sickle cell anemia (unless parents object), and a tuberculin test for each school child entering a school for the first time and each student entering a senior high school, or require certification of the same. (17:170, Subsections B and C amended by Acts 1972, No.88)

66. Purchase and maintain a policy or policies of insurance issued to the board as policy holder, the cost of such policy to be paid out of the athletic fund derived by each school from its gate receipts for athletic events or from other funds available to the school board for payment of a portion of such cost and to cover every student who is a member of a regularly sponsored team. (17:169 amended by Acts 1973, No. 122)

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PARISH OR CITY SUPERINTENDENTS OF SCHOOLS

The parish or city superintendent of schools is a constitutional officer. The legislature is empowered under the provisions of Section 10 of Article XII to provide for the creation and election of parish school boards which shall elect parish superintendents. The State Board of Education shall fix the qualifications and prescribe the duties of the parish superintendent (C XII:10) who need not be a qualified elector or resident of the parish which he is to serve.

The parish or city school board elects a parish or city superintendent for a period not to exceed four years. Under the constitutional amendment consolidating the Calcasieu Parish and City of Lake Charles School Systems, the term of the Calcasieu Parish superintendent was fixed at four years commencing July 1, 1967. If a vacancy occurs during a four-year cycle by death or resignation a new superintendent is elected for the remainder of the term. The board may designate an acting superintendent to fill a vacancy or to perform the duties of a superintendent who is temporarily unable to do so.

The superintendent is usually elected in January prior to the beginning of the next term. This is a discretionary matter for the board to determine. This is done at that time in order to permit the incumbent superintendent to seek other employment if he is not to be retained and to allow the new superintendent to begin plans for his superintendency. There is no law stating definitively when a superintendent must be elected; however, a superintendent is not usually elected before the newly elected members of the board qualify following their election in the congressional election, immediately preceding the beginning of a four-year cycle.

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The election of a superintendent by secret ballot would be invalid inasmuch as the constitution requires that election by persons voting in representative capacity must be by viva-voce vote. Also, a school board member may not vote by proxy.

The superintendent must devote his entire time to the office of superintendent of schools. He cannot hold another position under the Dual Office Holding Act. If at any time a superintendent shall be found incompetent, inefficient or unworthy, he shall be removable for such cause by a majority vote of the membership of the board at any regular meeting or at any special meeting after due notice and must be granted a hearing, also after due notice. He cannot be removed by judgment of court; only by vote of the school board. The superintendent does not attain tenure in his position.

The board fixes the salary of the superintendent and may provide him with an expense allowance and/or an automobile. In the event of a superintendent's death during a given month, his estate is usually paid until the end of the month. He cannot be paid an additional salary as ex officio secretary-treasurer of the school board after he has received his salary as superintendent of schools.

The superintendent of schools is a public officer and must take the oath of office as provided in the constitution, Article XIX, Section 1. This oath may be taken and filed with the clerk of court and the secretary of state upon reelection or upon first assuming office. The superintendent must also post a bond, payable to the governor of the state, in an amount specified by and paid for by the board. This bond may be cancelled after legislative audit.

A superintendent cannot be elected for a term beyond mandatory retirement age of 68. He is entitled to military leave, leave without pay, sick leave and sabbatical leave.

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A FEW OF THE IMPORTANT DUTIES OF THE PARISH OR CITY SUPERINTENDENT FOLLOW:

1. The superintendent shall enforce the uniform use of courses of study, rules, bylaws and regulations of the State Board of Education, including free textbooks. (LRS 17:7)
2. The superintendent must file reports requested by State Board of Education. (LRS 17:9)
3. The superintendent must file affidavit as to correctness and reliability of school census. (LRS 17:15)
4. The superintendent makes nomination of teachers to the school board for final selection by the board. The endorsement of the superintendent is not necessary when a majority of the full membership of the board wishes to select a teacher. (LRS 17:81)
5. The superintendent, as secretary of the board, shall keep a record of all transactions and proceedings of the board. (LRS 17:81) This does not apply to Orleans Parish which employs a secretary who is not a member of the board. (LRS 17:91)
6. The superintendent signs contracts with teachers. (LRS 17:83)
7. The superintendent prepares a budget of expected revenues and probable expenditures for adoption by the school board on or prior to the first Tuesday of August of each year. He shall not pay any item not included in the budget nor shall he expend more than available without making himself and his surety liable. (LRS 17:88)
8. The superintendent also renders himself liable to a fine of from $250 to $1,000 and removal from office for overspending the budget. (LRS 17:89)
9. The superintendent shall maintain his office in the parish at a point designated by the board. The office shall be kept open during the usual office hours. (LRS 17:90)

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10. The superintendent shall visit as often as possible each school to promote the cause of public education. (LRS 17:91)

11. The superintendent shall make a quarterly report to the school board which shall be published with the minutes. (LRS 17:91)

12. The superintendent shall make an annual report to the State Board of Education by August 15th of each year. If he fails to do so the State Board may send an auditor in to make the report and his fee is paid out of the superintendent's salary. (LRS 17:92)

13. The superintendent shall keep a record of all business transacted by him and furnish information requested. (LRS 17:93)

14. The superintendent may administer oaths required of any public school official or person required to make oath in a manner thereto, except to qualify school board members. (LRS 17:94)

15. The superintendent is ex officio treasurer of the school board and shall deposit funds in banks selected by the school board according to law. (LRS 17:95 and 123)

16. The superintendent as treasurer and custodian of funds of the board shall demand these funds of his predecessor in office. (LRS 17:96)

17. The superintendent as the treasurer of the school board shall sign all checks unless the board authorizes another official to do so and must retain cancelle checks as vouchers. (LRS 17:97)

18. The superintendent issues permits for students to attend school in adjoining parishes or cities upon approval of the superintendent of the system in which the schools are located. (LRS 17:155)

19. The superintendent decides, subject to the authority of the school board, whether a child may continue in school upon failure to furnish a birth certificate. (LRS 17:167 and 222)

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20. The superintendent approves filing of proceedings in court to enforce compulsory school attendance. (LRS 17:221)

21. The superintendent shall nominate visiting teachers for appointment. (LRS 17:229)

22. The superintendent may be removed from office for refusal, failure, or neglect to provide instruction in the use and evil effects of alcohol and narcotics. (LRS 17:264)

23. The superintendent shall determine, before contracting with a teacher, that the teacher holds a certificate issued by the State Board of Education. (LRS 17:413)

24. The superintendent makes decisions in cases of suspension of pupils and his decision is final; however, he may remit any portion of the time of suspension. (LRS 17:223 and 416)

25. The superintendent shall withhold the salary of any teacher who fails to enforce courses of study and regulations pursuant to law. (LRS 17:417)

26. The superintendent must submit written recommendation accompanied by valid reasons therefor to effect dismissal of probationary teacher or school bus operator. (LRS 17:442 and 492)

27. The superintendent may employ retired school teachers for up to ninety days in a consecutive two-year period as substitute teachers if they have not reached seventy years of age and if no regularly qualified person is available for employment. (LRS 17:577)

28. The superintendent shall deduct the employee's portion of teacher retirement, school employees' retirement and school lunch employees' retirement required by law. (LRS 17:702, 992 and 1302)

29. The superintendent shall furnish forms to teachers on which applications for sabbatical leave may be made and receive same for action by parish school board. (LRS 17:1172)

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30. The superintendent serves as secretary-treasurer of the Parish School Loan Fund Committee. (LRS 17:1752)

31. The superintendent shall submit applications for reimbursement for special education classes. (LRS 17:1941-52 amended by Acts 1972, No. 368)

32. The superintendent shall see that the sight and hearing of each pupil is tested during the month of September or during the first month of school or within thirty days after admission of any pupils entering school late in the session. (LRS 17:2112)

33. The superintendent shall see that any student who uses a device dangerous or hazardous to the eyes during the course of his studies shall be furnished with and shall wear safety or protective glasses or goggles made of a materia suitable to protect the eyes from such hazards; e.g., welding equipment, acid abrasives, and other dangerous devices.

34. The superintendent shall see that fitting and appropriate public exercises are held in connection with observance of Christopher Columbus Day, changed to the second Monday in October by Acts 1972, No. 640.

35. The superintendent shall issue work permits as required by law. (LRS 23:183)

36. The superintendent shall request approval of the State Board of Education and the state superintendent of public education prior to installation of any federal educational or pilot program. (LRS 17:13.1)

37. The superintendent shall cooperate in the plan for development of the career education concept mandated by the legislature and implemented by the state board and state department. (LRS 17:1991-2003 amended by Acts 1973, No. 208)